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Notice of Allowability

Application No.

10/075,566

Examiner

Saeed T Chaudhry

Applicant(s)

AOKI ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response files December 12, 2003.
2. ☒ The allowed claim(s) is/are 25,27,28,34,35,38-42,44,45 and 48-51.
3. ☒ The drawings filed on 13 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/313,027.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRANKIE L. STINSON
PRIMARY EXAMINER
GROUP 3400/1700

NOTICE OF ALLOWABILITY (PTOL 37)
PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED
IN THIS APPLICATION

Examiner's amendments

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

In claim 25, at line 4, "and a catholyte between neutral and weak base" and at line 10, after, "acids", " and polyaminocarboxylic acids" has been deleted.

Claims 26, 29, 30, 31, 32, 33, 36, 37, 43, 46 and 47 has been canceled.

In claim 27, at line 1, "or claim 26" has been deleted.

In claim 39, at line 1, "or 26" has been deleted.

In claim 41, at line 1, "or 26" has been deleted.

In claim 42, at line 4, "and a catholyte between neutral and weak base" , and at line 8, " , ammonium oxalate and polyaminocarboxylic acids and" has been deleted.

In claim 45, at line 1, "or 43" has been deleted.

In claim 49, at line 1, "or 43" has been deleted.

In claim 51, at line 1, "or 43" has been deleted.

These amendments were executed to cancel non-elected species, which were elected without traverse in paper No. 9-11-2003.

Reasons for allowance

The following is an Examiner's Statement of Reasons for Allowance:

The applicant has submitted English-language translation of Japanese patent No JP-10-138365, which the present application claims priority pursuant to 35 U.S.C. 119.

The filling date of JP-10-138365 is earlier in time than the earliest U.S. filling date of Jiang et al. (6,277,203). Therefore, Jiang et al is not a prior art any more and the applicant has over come the rejections.


Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Randy Gulakowski, can be reached on (571)-272-1302. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.


FRANKIE L. STINSON
PRIMARY EXAMINER
GROUP 3400 1700

Saeed T. Chaudhry
Patent Examiner
February 19, 2004